

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

IN RE MENTOR CORP. OBTAPE	*	MDL Docket No. 2004
		4:08-MD-2004 (CDL)
TRANSOBTURATOR SLING PRODUCTS	*	
		Case Nos.
LIABILITY LITIGATION	*	4:13-cv-274 (A. Jackson)

O R D E R

Plaintiff Angela Jackson sued Defendant Mentor Worldwide LLC for injuries that she alleges were caused by Mentor's suburethral sling product called ObTape Transobturator Tape. Mentor moved for summary judgment on Jackson's claims under the following theories: Strict Product Liability - Failure to Warn (Count IV); Breach of Implied Warranties (Count V); Breach of Express Warranties (Count VI); Fraudulent Misrepresentation (Count VII); Fraudulent Concealment (Count VIII); and Negligent Misrepresentation (Count IX). Jackson does not contest summary judgment as to these claims. See Pl.'s Resp. to Def.'s Mot. for Summ. J. (ECF No. 36). Accordingly, Mentor's Motion for Partial Summary Judgment (ECF No. 34) is granted as to these claims. The only claims remaining for trial are Jackson's claims for negligence (Count I), Strict Liability - Defective Design (Count II), and Strict Liability - Product Defect (Count III).

Within seven days of the date of this Order, the parties shall notify the Court whether the parties agree to a *Lexecon* waiver.

IT IS SO ORDERED, this 13th day of November, 2015.

S/Clay D. Land

CLAY D. LAND

CHIEF U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA